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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

LY, ANH

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/944,626

Applicant(s)

SHAH ET AL.

Examiner

Anh Ly

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date #5 & #10.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Office Action is response to Applicants' communication filed on 08/30/2001.
2. Claims 1-40 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 1-4, 8-10, 13-14, 16-27, 31-35 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0016740 of Ogasawara.

With respect to claim 1, Ogasawara teaches maintaining a database that includes identification information for a plurality of customers (customer database is

containing customer data or information for a plurality of customers: Page 2, section 0015 and Page 3, section 0020);

and identifying customers who physically visit a first entity from the database information, wherein some of such customers execute a transaction with the first entity and some of such customers do not execute a transaction with the first entity (identified customers are visiting the store whose staffs or salespersons are able to provide appropriate assistant to those customers: see abstract, Page 2, section 0014 and Page 3, section 0018 and 0020).

Ogasawara teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer.

Ogasawara does not clearly teach the first entity from the database information.

However, Ogasawara teaches the store where the identified customer being visited by the staff via customer profile database (Page 2, section 0013).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ogasawara's system by incorporating a first entity from the database information into the customer profile of Ogasawara because that would provide Ogasawara easy access to the staffs in the store terminal, thereby

providing ~~provide~~ appropriate shopping assistance to that customer who physically visits the store.

With respect to claim 2, Ogasawara teaches further comprising recording which of such customers execute a transaction with the first entity of which of such customers do not execute a transaction with the first entity (Page 2, section 0013, 0014 and Page 3, section 0018).

With respect to claim 3, Ogasawara teaches further comprising developing the customer profile from the database information and from identifying the customers who physically visit the first entity (Page 3, section 18 and 0020).

With respect to claim 4, Ogasawara teaches wherein developing the customer profile comprises accessing an external database (store's database server or central database server: Page 2, section 0015 and Page 3, section 0020).

With respect to claim 8, Ogasawara teaches wherein identifying customers comprises identifying customers with a card (an customer identification card: Page 2, sections 0014 and 0016).

With respect to claims 9 and 10, Ogasawara teaches wherein the card was not originally issued for identifying customers who physically visit the first entity (credit card or smart card or personal memory card: Page 4, sections 0036 and 0038); and wherein the card comprises a magnetic stripe and wherein identifying customers with the card comprises reading the magnetic stripe (credit card or magnetic stripe card: Page 2, section 0017 and Page 4, section 0036).

With respect to claims 13 and 14, Ogasawara teaches identifying customers with a personal identification number (customer ID card including personal identification number issuing from the store: Page 3, section 0020); and wherein identifying customers who physically visit the first entity comprises identifying customers with a physical station associated with a first organization, the method further comprising identifying customers who visit a second entity from the database information, the second entity being associated with a second organization, wherein some of such customers who visit the second entity execute a transaction with the second entity and some of such customers who visit the second entity do not execute a transaction with the second entity (retail stores, large department stores, retail department store: Page 3, sections 0029, 0035 and 0036).

With respect to claims 16-18, Ogasawara teaches determining a customer conversion efficiency for at least one of the first and second entities, determining a customer conversion efficiency for a combination of the first and second entities, and administering a customer loyalty program to incentivize customers to provide the identification information (Page 2, sections 0014, 0016 and 17, Page 3, sections 0018, 0020 and Page 4, section 0036 and 0038).

With respect to claims 19-20, Ogasawara teaches determining a customer conversion efficiency for the first entity and wherein the customer conversion efficiency comprises a ratio of a number of customers who visit the first entity and execute a transaction with the first entity to a total number of customers who visit the first entity

(Page 2, sections 0013 and 0014; also Page 4, sections 0036 and 0038 and Page 9, section 0063).

With respect to claims 21-22, Ogasawara teaches determining a customer conversion efficiency for at least part of the first entity and wherein the customer conversion efficiency comprises a ratio of a number of customers who visit the part of the first entity and execute a transaction with the part of the first entity to a total number of customers who visit the part of the first entity (Page 2, sections 0013 and 0014; also Page 4, sections 0036 and 0038 and Page 9, section 0063).

With respect to claims 23-26, Ogasawara teaches administering a customer loyalty program to incentivize customers to provide the identification information, a shop, an establishment, and identifying customers who visit an internet site affiliated with the first entity, wherein some such customers who visit the internet site execute a transaction with the first entity and some of such customers who visit the internet site do not execute a transaction with the first entity (Page 2, sections 0013 and 0014; also Page 4, sections 0036 and 0038 and Page 9, section 0063).

With respect to claim 27, Ogasawara teaches enrolling customers to obtain the identification information (Page 3, section 0020).

With respect to claim 31, Ogasawara teaches a storage device configured to store customer identification information (see figs. 1 and 7 Page 4, section 0036 and Page 9, section 0064).

at least one communications devices configured to permit exchange of data with a plurality of stations (communication devices link to store server system such as LAN,

a distributed set of network servers: Page 9, section 0068, also see page 9, section 0067 a plurality of store terminals).

and a processor in communication with the storage device and the at least one communications device, wherein the processor is configured to identify customers who physically visit one of the plurality of stations at a first entity, wherein some of such customers execute a transaction with the first entity and some of such customers do not execute a transaction with the first entity (see figs 1 and 7 and Page 9, sections 0067 and 0068; also see page 2, sections 0013 and 0014).

Ogasawara teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer.

Ogasawara does not clearly teach the first entity from the database information.

However, Ogasawara teaches the store where the identified customer being visited by the staff via customer profile database (Page 2, section 0013).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ogasawara's system by incorporating a first entity from the database information into the customer profile of Ogasawara because that would provide Ogasawara easy access to the staffs in the store terminal, thereby



providing ~~provide~~ appropriate shopping assistance to that customer who physically visits the store.

With respect to claim 32, Ogasawara teaches wherein the processor is further configured to develop a customer profile from the database information and from identifying the customers who physically visit the one of the plurality of stations (Page 2, 0013, 0014 and Page 9, section 0067).

With respect to claim 33, Ogasawara teaches wherein the customer profile comprises a customer conversion efficiency (Page 9, section 0063).

With respect to claim 34, Ogasawara teaches wherein the one of the plurality of stations is associated with a first organization and wherein the processor is further configured to identify customers who visit a second of the plurality of stations at a second entity, wherein some of such customers who visit the second of the plurality of stations execute a transaction with the second entity and some of such customers who visit the second of the plurality of stations do not execute a transaction with the second entity (plurality of store terminals: and see fig. 1 and fig. 7, Page 9, section 0067 and Page 6, 0049).

With respect to claim 35, Ogasawara teaches wherein the processor is further in communication with the Internet and configured to identify customers who visit an Internet site affiliated with the first entity, wherein some of such customers who visit Internet site execute a transaction with the first entity and some such customers who visit the Internet site do not execute a transaction with the first entity (wireless

communication and wireless remote terminals: Page 6, section 0049, also see Page 4, 0038 and page 5, 0039).

With respect to claim 36, Ogasawara teaches a storage device configured to store customer identification information (see figs. 1 and 7 Page 4, section 0036 and Page 9, section 0064).

at least one communications devices configured to permit exchange of data with a plurality of stations (communication devices link to store server system such as LAN, a distributed set of network servers: Page 9, section 0068, also see page 9, section 0067 a plurality of store terminals).

and a processor in communication with the storage device and the at least one communications device, wherein the processor is configured to identify customers who physically visit one of the plurality of stations at a first entity, wherein some of such customers execute a transaction with the first entity and some of such customers do not execute a transaction with the first entity (see figs 1 and 7 and Page 9, sections 0067 and 0068; also see page 2, sections 0013 and 0014).

Ogasawara teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer.

Ogasawara does not clearly teach the first entity from the database information.

However, Ogasawara teaches the store where the identified customer being visited by the staff via customer profile database (Page 2, section 0013).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ogasawara's system by incorporating a first entity from the database information into the customer profile of Ogasawara because that would provide Ogasawara easy access to the staffs in the store terminal, thereby providing ~~provide~~ appropriate shopping assistance to that customer who physically visits the store.

With respect to claim 37, Ogasawara teaches wherein the processor is further configured to develop a customer profile from the database information and from identifying the customers who physically visit the one of the plurality of stations (Page 2, 0013, 0014 and Page 9, section 0067).

With respect to claim 38, Ogasawara teaches wherein the customer profile comprises a customer conversion efficiency (Page 9, section 0063).

With respect to claim 39, Ogasawara teaches wherein the one of the plurality of stations is associated with a first organization and wherein the processor is further configured to identify customers who visit a second of the plurality of stations at a second entity, wherein some of such customers who visit the second of the plurality of stations execute a transaction with the second entity and some of such customers who visit the second of the plurality of stations do not execute a transaction with the second entity (plurality of store terminals: and see fig. 1 and fig. 7, Page 9, section 0067 and Page 6, 0049).

With respect to claim 40, Ogasawara teaches wherein the processor is further in communication with the Internet and configured to identify customers who visit an Internet site affiliated with the first entity, wherein some of such customers who visit Internet site execute a transaction with the first entity and some such customers who visit the Internet site do not execute a transaction with the first entity (wireless communication and wireless remote terminals: Page 6, section 0049, also see Page 4, 0038 and page 5, 0039).

6. Claims 5-7, 11-12, 15, 28 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0016740 of Ogasawara in view of Pub. No.: US 2003/0018522 of Denimarck et al. (hereinafter Denimarck).

With respect to claims 5-7, and 15, Ogasawara discloses a method as discussed in claim 1.

Ogasawara teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Ogasawara teaches customers' database containing customer information such as name, transactional history,

purchase preference, customers' videographic images. Ogasawara does not explicitly teach identifying customers biometrically, identifying a facial feature of customers, and identifying a voice pattern of customers.

However, Denimarck teaches customers' biometric characteristic and biometric sensing device for customers' fingerprint, image of customers, voice identification device for detecting a voice pattern or voiceprint associated with a customer's voice or speech characteristics (Page 2, sections 0022, 0023, 0024, 0025 and 0026).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara with the teachings of Denimarck so as to obtain customers' biometric characteristic such as fingerprint, image and voice pattern. The motivation being to make the customer recognition system having the method for identifying customers' biometric characteristic (Denimarck – Page 2, sections 0022-0026) and retrieving customer identifying information from customer profile database being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

With respect to claims 11-12, Ogasawara discloses a method as discussed in claim 1.

Ogasawara teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer

profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Ogasawara teaches customers' database containing customer information such as name, transactional history, purchase preference, customers' videographic images. Ogasawara does not explicitly teach wherein the card comprises a bar code and wherein identifying customers with the card comprises reading the bar code; and wherein identifying customers with the card comprises optically reading at least a portion of the card.

However, Denimarck teaches an identification code reader such as bar code scanner for scanning a bar code from a customer's driver license (Page 3, section 0028 and Page 4, section 0037).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara with the teachings of Denimarck so as to obtain customer identifying information from the customer's driver license and customers' biometric characteristic such as fingerprint, image and voice pattern. The motivation being to make the customer recognition system having the method for identifying customers' biometric characteristic (Denimarck – Page 2, sections 0022-0026) and retrieving customer identifying information from customer profile database being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

With respect to claim 28, Ogasawara discloses a method as discussed in claim 1. Also Ogasawara teaches retrieving and comparing the customer's information (Page 2, section 0015, Page 3, section 0018 and 0020).

Ogasawara teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Ogasawara teaches customers' database containing customer information such as name, transactional history, purchase preference, customers' videographic images. Ogasawara does not explicitly teach a first set of biometric data regarding the customer from a verification instrument and a second set of biometric data from at least one feature of the customer.

However, Denimarck teaches customers' biometric characteristic and biometric sensing device for customers' fingerprint, image of customers, voice identification device for detecting a voice pattern or voiceprint associated with a customer's voice or speech characteristics (Page 2, sections 0022, 0023, 0024, 0025 and 0026).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara with the teachings of Denimarck so as to obtain customers' biometric characteristic such as fingerprint, image and voice pattern. The motivation being to make the customer recognition system having the method for identifying customers' biometric characteristic

(Denimarck – Page 2, sections 0022-0026) and retrieving customer identifying information from customer profile database being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

With respect to claim 29, Ogasawara teaches for each of a plurality of customers enrolling such customer (an electronic shopping system enrolls customers when they visit the shop or store: Page 2, section 0014),

maintaining a database that includes identification information for each of the plurality of customers (customer database is containing customer data or information for a plurality of customers: Page 2, section 0015 and Page 3, section 0020)

determining a customer conversion efficiency for the entity (conversation with customers about their family, their hobbies: page 9, section 0063).

Ogasawara teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Ogasawara teaches customers' database containing customer information such as name, transactional history, purchase preference, customers' videographic images. Ogasawara does not explicitly teach extracting a first set of biom6tric data regarding the customer from a verification instrument; extracting a second set of biometric data directly from at least one feature of



the customer, comparing the first and second sets of biometric data to determine whether the first and second sets of biometric data are derived from a single individual; and biometrically identifying customers who visit an entity from the database information, wherein some of such customers execute a transaction with the entity and some of such customers do not execute a transaction with the entity.

However, Denimarck teaches customers' biometric characteristic and biometric sensing device for customers' fingerprint, image of customers, voice identification device for detecting a voice pattern or voiceprint associated with a customer's voice or speech characteristics (Page 2, sections 0022, 0023, 0024, 0025 and 0026) and an identification code reader such as bar code scanner for scanning a bar code from a customer's driver license (Page 3, section 0028 and Page 4, section 0037).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara with the teachings of Denimarck so as to obtain customers' biometric characteristic such as fingerprint, image and voice pattern. The motivation being to make the customer recognition system having the method for identifying customers' biometric characteristic (Denimarck – Page 2, sections 0022-0026) and retrieving customer identifying information from customer profile database being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

With respect to claim 30, Ogasawara teaches administering a customer loyalty program to incentivize customers to provide the identification information.( Page 4, section 0036 and 0038).

**Contact Information**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is 703 306-4527 or via E-Mail: ANH.LY@USPTO.GOV. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on 703 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703 746-7239.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks


Washington, D.C. 20231

or faxed to: Central Office (703) 872-9306 (Central Official Fax Number)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-6606 or 703 305-3900.

ANH LY   
MAR 31<sup>st</sup>, 2004

  
JEAN M. CORRIELLUS  
PRIMARY EXAMINER